IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6656 OF 2006
with
CIVIL APPLICATION NO. 96 OF 2007

Ankush Haribhau Aarekar and others ...Petitioners

Versus

The Secretary, SchoolEducation and
Sports Department and others ...
Respondents

Mr. S.G. Kudle for the petitioners.
Mr. V.P. Malvankar, Assistant Government Pleader, for respondent Nos. 1 to 5.

WITH

WRIT PETITION NO. 6994 OF 2006

Kum. Sharda Rangnath Khedkar and another ...Petitioners

Versus

State of Maharashtra and others ...
Respondents

Mr. Pankaj C. Kansara for the petitioners.
Mr. V.P. Malvankar, Assistant Government Pleader, for respondent Nos. 1 to 4.

WITH

WRIT PETITION NO. 6995 OF 2006

Principal, Shree Swami Samarth D.Ed. College and anr. ... Petitioners

Versus

State of Maharashtra and others ... Respondents

Mr. S.V. Sadawarte for the petitioners.
Mr. V.P. Malvankar, Assistant Government Pleader, for respondent Nos. 1 to 4.

CORAM: **H.L. GOKHALE, Ag. C.J.,** & **V.M. KANADE, J.**
DATE: **FEBRUARY 12, 2007**.

P.C.

Writ Petition No. 6656 and 6994 of 2006 are filed by the students whereas Writ Petition No. 6995 of 2006 is filed by the Management of Shri Swami Samarth D.Ed. College situate at Vaibhawadi, District Sindhudurg. The grievance in all these opetitions is about the students who were admitted in the management quota but who are not being allowed to appear for the first year D.Ed. Examination. The case of the petitioners is that at no point of time they were informed that there was any irregularity in the admission of the students. Although an afidavit in reply has been filed by one Anand Laxman Joshilkar, Deputy Educational Inspector, Office of the Deputy Director of Education, Kolhapur Region, it is not stated therein as to

why these admissions were in any way bad. It appears that at the last moment the College management was informed that the students are not to be permitted to appear for the examination and that is why they were required to file these petitions. Ad-interim orders were passed and they have been permitted to appear for the 1st Year D.Ed. Examination.

2. The only grievance of the Government appears to be that perhaps certain number of seats are meant for the Science students and the remaining for the arts or the commerce students. However, Mr. Kudle has drawn our attention to a Government communication dated 30th August, 2005, which records that if the students are not available for admission for Science or Commerce faculties, then the students from the Arts faculty who are eligible will be given admission. In the present case, all the students have been admitted way back in June, 2005-06. They have given the examination in October, 2006. Now the request is that their results should be declared. They are the students for the D.Ed. Course and depending upon this examination, their admission and further continuation in the second year will have to be decided.

3. The only objection from the Government appears to be that

proper register was not maintained or certain particulars were not made available. It is not made clear as to when these particulars were insisted upon or where was the exact failure in not giving those particulars. This being the position, the students should not be made to suffer. They have paid the fees. They have attended the course and the only difficulty appears to be that perhaps they are in excess of the particular faculty. But that appears to be permissible when the students from the other facilities are not available. In the circumstances we allow these petitions and direct that the results of the students be declared. Their admissions be regularised and they be continued in the second year and be allowed to appear for the examination and their results of the second year be also declared. All the petitions and the Civil Application are accordingly disposed of.

ACTING CHIEF JUSTICE

V.M. KANADE, J.